

Planning and Zoning Board Meeting

November 7, 2022

Video of the meeting can be found [HERE](#):

Members present: Brook Weiss, Stephen Yates, Curtis Hodges and Larry Wheatcraft. Kip Hulvershorn and Susan Neylon were absent.

Public Participation: A resident commented on the proposed Development Moratorium. She asked that the entire city be considered as a floodplain since flooding happened everywhere with Ian.

V-14-22: 215 Due East. The applicant requests to expand the driveway to 1 ft from the lot line in order to save a Live Oak Tree with large low hanging branches. The adjoining neighbor submitted a letter of support. Staff supports this variance request. **The motion to approve the variance was unanimous.**

SE-2-2-22: 70 South Dixie Freeway. The applicant wishes to repurpose the existing building that houses a Save-A-Lot grocery store as a mini warehouse and storage facility. This is permitted as a special exception in the current B-3 zoning. There will be Landscaping to hide the side of the building that faces US1 as required as part of a special exception. There was discussion about requiring a retention pond, but per the Assistant City Attorney, it cannot be required. **The motion to approve the request was unanimous.**

PUD-1-22: Blue Dolphin Boat and RV Storage PUD MDA (approximately 6.99 acres). The property, which is zoned light industrial, is proposed for a development of 160 storage spaces for boats and RVs. This use is allowed as a special exception but must go through a PUD process. It is a very narrow property, a half mile long between the railroad and US1 between 3rd and Cypress St.

A motion to approve the request with the following conditions was unanimous.

1. Site retention and detention meets or exceeds City of New Smyrna Beach requirements.
2. Pavement is permeable and will contribute to the minimization and elimination of flooding.
3. Fencing does not go around the retention pond.
4. The maximum height of the canopy will be no greater than 20ft.

ORDINANCE NO. 74-22: [Temporary Development Moratorium](#). A request by Staff was made that the Planning and Zoning Board give a positive recommendation to the City Commission to approve the requested moratorium for certain applications due to the flooding that occurred within the City of New Smyrna Beach during Hurricane Ian. Senior Planner, Bob Mathen, explained that the City Commission had directed Staff to review and possibly amend the current Land Development Regulations or Code of Ordinances as it pertains to storm water, drainage, and flood plan management which would pause development in FEMA zones A and AE on undeveloped properties of 10 acres or larger. Board member Weiss stated that a memorandum document addressing some of the issues within the ordinance wording and duration had been given to the Board before the meeting, but it wasn't discussed as there hadn't been time for members to look it over. Assistant City Attorney, Shey McCurdy, stated that she has a copy, and it will be taken

under consideration. The plan is to place the moratorium on the agenda for the City Commission as soon as possible. The Board seemed inclined to include more than just the A and AE zones in the moratorium.

During Public Participation, residents spoke out about the flooding in their neighborhoods during the hurricane. They attributed the flooding to over-development and the loss of trees on those developed properties. They also felt the city needs to look closer at the stormwater situation, especially in older neighborhoods and that the moratorium be lengthened, using the time to figure out how the necessary infrastructure hardening could be funded. It was also suggested that experts be brought in to assist in developing solutions. Many feel this is more than a local issue as there are so many large parcels within our borders that exist within the County.

In the end, the Assistant City Attorney made it clear that the moratorium needed to be specific in purpose, limited in scope, and short in duration or it was in danger of being challenged as unconstitutional. The City Engineer, Kyle Fegley, added that the city's standards for retention and runoff are now the most stringent in Florida. He also gave a brief overview of the City's land development regulations/ and standards in flood zones.

The motion to approve the request of a favorable recommendation to the City Commission for the temporary development moratorium was unanimous.